

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK (CENTRAL ISLIP)

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In Re:

GEETA SHUKLA

Case No. 8-14-74304-las

In Proceeding for

Chapter 13

Debtor(s)

-----x

NOTICE OF MOTION FOR AN ORDER VOIDING THE
FIXING OF LIENS AND AFFIRMATION
IN SUPPORT OF MOTION

PLEASE TAKE NOTICE that upon the annexed affirmation of Ehsanul Habib, Esq., a motion pursuant to 11 U.S.C. Section 522 (f) will be made as set forth below:

JUDGE:

Honorable Louis A. Scarcella

RETURN DATE AND TIME:

December 09, 2014, 10:00 AM

Place:

United States Bankruptcy Court
Alfonse M. D'Amato Federal Courthouse
290 Federal Plaza, Courtroom 760
Central Islip, New York 11722.

RELIEF REQUESTED:

An Order voiding the Judicial Lien and
for such other relief as this Court deems
just.

Dated: Forest Hills, New York
November 11, 2014

/s/ Ehsanul Habib, Esq.
Ehsanul Habib, Esq.
Attorneys for Debtor
118-21 Queens Blvd., Suite 603
Forest Hills, NY 11375
718-285-0466

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**APPLICATION TO AVOID JUDICIAL
LIENS PURSUANT TO 11 U.S.C. SECTION 522 (f)**

The application of the debtor, by his attorneys, Ehsanul Habib, Esq., respectfully
represents:

1. That the debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code on September 18, 2014.
2. Debtor attended her §341 meeting of creditors on November 04, 2014.
3. Debtor jointly owns a certain real property with her non-filing spouse at the premises known as 44 Sunset Road South, Albertson, NY 11507, Nassau County also known as 44 Sunset Road, Albertson, New York 11507. Annexed hereto a copy of Deed and marked as Exhibit "A".
4. That at the time of filling of the petition herein the real property above noted had a fair market value of \$880,000. A copy of an appraisal dated April 5, 2014 is attached hereto as Exhibit "B".
5. That at the time of filing of the petition herein said property was encumbered by a first mortgage held by Bank of America having a principal balance of approximately \$710,196.60 remaining as of the date of filing. See proof of claim submitted by Bank of America

annexed hereto and marked as Exhibit “C”.

6. Pursuant to NYCPLR §5206, the debtor and her non filing spouse jointly have homestead exemption up to \$300,000 in the real property above. Out of the exposed equity Debtor claimed one half of her portion as exempt pursuant to NYCPLR §5206, in the above real property and the other half of equity belongs to non-filing spouse.

7. Prior to filing of the petition herein, the following judicial liens were filed against the Debtor in Nassau County Clerk’s office and a copy of the judgment search is attached hereto and marked as Exhibit “D”

<u>JUDGMENT CREDITOR</u>	<u>DATE FILED</u>	<u>AMOUNT</u>
Vidyasagar Lingechetty	May 07, 2012	\$405,845.87

8. As unavoidable encumbrances total \$710,196.60 in the real property above noted and the property has a fair value of \$880,000 the liens noted in paragraph 7 above, impair the exemption to which the Debtor is entitle but for said liens.

9. Pursuant to 11 U.S.C. Section 522(f) the Debtor may void all liens noted in paragraph 7 above in full.

WHEREFORE, the Debtor request an Order avoiding said liens, pursuant to 11 U.S.C Section 522(f) and for such other and further relief as to the Court may seem just and proper.

Dated: Forest Hills, New York
November 11, 2014

/s/ Ehsanul Habib, Esq.
Ehsanul Habib, Esq.
Attorneys for Debtor
118-21 Queens Blvd., Suite 603
Forest Hills, NY 11375
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